

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHELLE LAMPKIN, and LOUIS R.
LAMPKIN, Jr.,

Plaintiffs,

v.

LOUIS A. GAPPA, and GAPPA FUEL
OIL COMPANY, INC.,

Defendants.

CIVIL ACTION

No. 10-3015

ORDER

AND NOW, this 18th day of March, 2012, for the reasons discussed in the accompanying memorandum, it is hereby **ORDERED** that defendant Gappa Fuel Oil Company Inc.'s motion to dismiss (Docket No. 21) is hereby **GRANTED IN PART** and **DENIED IN PART**, and count one of the amended complaint (Docket No. 20) is **DISMISSED** with prejudice as to Gappa Fuel Oil Company Inc. It is further **ORDERED** that Gappa Fuel Oil Company Inc.'s motion to dismiss defendant Louis P. Gappa's cross-claims (Docket No. 23) is hereby **GRANTED**, and the cross-claims (Docket No. 22) are **DISMISSED** with prejudice.

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.